

(4) A letter of guarantee to the Manager given by an institution referred to in paragraph (a)(2) of this section.

(5) A letter of guarantee or bond given to the Manager by an acceptable Bonding Company. Bonding companies may be accepted if they:

(i) Appear on the list of acceptable bonding companies as issued by the Treasury Board of Canada; and

(ii) Meet financial soundness requirements as may be defined by the Manager at the time of the request.

(b) The security for the tolls of a vessel shall be sufficient to cover the tolls established in the "St. Lawrence Seaway Tariff of Tolls" for the gross registered tonnage of the vessel, cargo carried, and lockage tolls as well as security for any other charges estimated by the Manager.

(c) Where a number of vessels:

(1) For each of which preclearance has been given;

(2) Are owned or controlled by the same individual or company; and

(3) Have the same representative, the security for the tolls is not required if the individual, company, or representative has paid every toll invoice received in the preceding five years within the period set out in §401.75(a).

(d) Notwithstanding paragraph (c) of this section, where a number of vessels, for each of which a preclearance has been given, are owned or controlled by the same individual or company and have the same representative, the security for tolls may be reduced or eliminated provided the representative has paid every toll invoice received in the preceding five years within the period set out in §401.75(a). The representative must provide the Manager with a financial statement that meets the requirements established by the Manager.

(e) Where, in the opinion of the Manager, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Manager may suspend the preclearance of the vessel.

[65 FR 52914, Aug. 31, 2000, as amended at 71 FR 5606, Feb. 2, 2006]

SEAWAY NAVIGATION

§ 401.27 Compliance with instructions.

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in any area between the place set out in Column I of an item of Schedule II to this part and a place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever speed is designated by the Corporation and the Manager in a Seaway Notice from time to time as being appropriate to existing water levels.

(b) Where the Corporation or the Manager designate any speed less than the maximum speeds set out in Schedule II of this part, that speed shall be transmitted as transit instructions referred to in §401.27.

(c) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(d) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982; 55 FR 48599, Nov. 21, 1990; 65 FR 52914, Aug. 31, 2000]

§ 401.29 Maximum draft.

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.¹

¹The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 m.

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(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated in a Seaway Notice by the Corporation and the Manager for the part of the Seaway in which a vessel is passing.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[42 FR 27587, May 31, 1977, as amended at 45 FR 52378, Aug. 7, 1980; 47 FR 51122, Nov. 12, 1982; 65 FR 52914, Aug. 31, 2000]

§ 401.30 Ballast water and trim.

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

(c) No vessel, other than under exceptional circumstances and with special permission, shall be accepted for transit whose trim by the stern exceeds 45.7 dm.

(d) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

(e) To obtain clearance to transit the Seaway:

(1) Every vessel entering the Seaway after operating beyond the exclusive economic zone must agree to comply with the "Code of Best Practices for Ballast Water Management" of the Shipping Federation of Canada dated September 28, 2000, while operating anywhere within the Great Lakes and the Seaway; and

(2) Every other vessel entering the Seaway that operates within the Great Lakes and the Seaway must agree to comply with the "Voluntary Management Practices to Reduce the Transfer of Aquatic Nuisance Species Within the Great Lakes by U.S. and Canadian Domestic Shipping" of the Lake Carriers Association and Canadian Shipowners Association dated January 26, 2001, while operating anywhere within the Great Lakes and the Seaway. For copies of the "Code of Best Practices for Ballast Water Management" and of the "Voluntary Management Practices to Reduce the Transfer of Aquatic Nuisance Species Within the Great Lakes by U.S. and Canadian Domestic Shipping" refer to the St. Lawrence Seaway

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Web site at <http://www.greatlakes-seaway.com>.

[39 FR 10900, Mar. 22, 1974, as amended at 67 FR 8887, Feb. 27, 2002; 70 FR 12972, Mar. 17, 2005; 71 FR 5606, Feb. 2, 2006]

§ 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Collision Regulations of Canada and the Inland Rules of the United States.

(b) No vessel shall meet another vessel within the area between the caution signs at bridges or within any area that is designated as a "no meeting area" by signs erected by the Corporation or the Manager in that area.

(c) Except as instructed by the vessel traffic controller, no vessel shall overtake and pass or attempt to overtake and pass another vessel:

(1) In any canal;

(2) Within 600 m of a canal or lock entrance; or

(3) After the order of passing through has been established by the vessel traffic controller.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52378, Aug. 7, 1980; 49 FR 30936, Aug. 2, 1984; 55 FR 48599, Nov. 21, 1990; 65 FR 52915, Aug. 31, 2000]

§ 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in a manner that affords maximum visibility from the wheelhouse.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that:

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

[39 FR 10900, Mar. 22, 1974, as amended at 41 FR 12227, Mar. 24, 1976]

§ 401.33 Special instructions.

No vessel of unusual design, vessel, or part of a vessel under tow, or vessel whose dimensions exceed the maximum vessel dimensions § 401.3 shall transit the Seaway except in accordance with special instructions of the Corporation